

JANUARY 2, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

08 C 37

TRAVIS DAVIS,

Plaintiff,

No.

vs.

CORRECTIONAL OFFICER M.
WILLIAMS, Illinois Department of
Juvenile Justice,

Defendant.)

TRIAL BY JURY DEMANDED

**JUDGE SHADUR
MAGISTRATE JUDGE BROWN**

COMPLAINT AT LAW

Now comes plaintiff Travis Davis, by his attorney John M. Beal, and for his complaint against defendant Officer M. Williams alleges as follows:

JURISDICTION

1. This action is brought for violation of the Constitution and laws of the United States and the laws of the State of Illinois, and this Court has jurisdiction under Title 28 U.S.C. §§1331, 1343, and 1367.

VENUE

2. Venue properly lies in the Northern District of Illinois, in that the events giving rise to the claims occurred in Kane County, Illinois.

PARTIES

3. Defendant Correctional Officer M. Williams (hereinafter "defendant Williams") is, and at all times relevant hereto was, a correctional officer employed by the Illinois Department of Juvenile Justice.

4. Plaintiff Travis Davis (hereinafter "Travis") is, and at all times relevant hereto was, a citizen of the United States and resident of the State of Illinois.

UNDERLYING FACTS

5. On or about July 25, 2006, Travis was in the custody of the Illinois Department of Juvenile Justice at the Illinois Youth Center, St. Charles, located in St. Charles, Kane County, Illinois.

6. Defendant Williams, whose nick-name is Cat Daddy, was on duty at the Illinois Youth Center, St. Charles.

7. An incident occurred in the dining room between Travis and another boy. Officer Williams intervened. In doing so he picked up Travis and threw him to the ground face first, breaking Travis' jaw in the process, thereby utilizing force far in excess of any justified under the circumstances. Travis had not threatened or attacked Officer Williams in any way.

8. The actions of defendant Williams in causing injury to Travis were willful and wanton and were taken with evil intent and callous indifference to the rights of Travis.

COUNT ONE

FEDERAL CIVIL RIGHTS VIOLATION

9. In injuring plaintiff Travis Davis without lawful justification, defendant Williams violated Travis' right to be free from excessive force under the Eighth Amendment to the Constitution of the United States, as applied to the States

through the Fourteenth Amendment.

10. Travis experienced physical injury, pain and suffering, fright, and emotional distress as a direct and proximate result of the actions of the defendant, as set forth above.

11. Subsequent to the incident, Travis exhausted his available administrative remedies.

WHEREFORE plaintiff Travis Davis prays that this Court:

A. Find defendant Williams guilty of and liable for the violation of plaintiff's rights under the Eighth Amendment, in contravention of Title 42, United States Code, Section 1983;

B. Enter a judgment in plaintiff's favor and against the defendant Williams, and award plaintiff:

- i. Compensatory damages as shall be proven at trial;
- ii. Punitive damages as shall be proven at trial;
- iii. Plaintiff's attorney's fees herein pursuant to Title 42, U.S.C. §1988;
- iv. Plaintiff's costs herein; and
- v. Such further relief as the Court deems just and proper.

S/ John M. Beal
Attorney for Plaintiff

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